

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**TERRI PECHNER-JAMES and
SONIA FERNANDEZ,
Plaintiffs**

C.A. # 03-12499MLW

V

**CITY OF REVERE et al
Defendants**

AFFIDAVIT OF JAMES S. DILDAY

Now comes the undersigned affiant and does depose as follows:

1. My name is James S. Dilday, I am of majority age and otherwise qualified and capable of making a statement under oath.
2. I am an attorney, duly licensed to practice law in the Commonwealth of Massachusetts. I am counsel for the Plaintiffs, Terri Pechner-James and Sonia Fernandez in connection with the above-captioned matter now pending before the United States District Court.
3. My current billable rate on this case is two hundred dollars (\$200.00) an hour.
4. In connection with this litigation and as part of the discovery process I have attempted in good faith to resolve the present discovery dispute.
5. The Defendants have failed to cooperate in the process and to acknowledge the impact of prior state adjudications. They have filed an unnecessary Motion To Compel Production of Documents. This most recent filing has made it necessary for me to file Opposition to their Motion To Compel Production of Documents.

6. I have expended in excess of ten (10) hours in my efforts to produce an informal remedy, research and preparing the Plaintiffs Opposition to the Defendants Motion To Compel Production of Documents and for Fees and Costs. The expenses and fees incurred exceeds the Two thousand dollars requested in the Plaintiffs Opposition to the Defendants motion.

Signed under the penalties of perjury on this 23rd day of September 2005.


James S. Dilday

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CERTIFICATE OF SERVICE

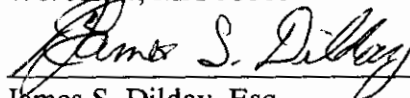
I hereby certify that I have served upon the parties listed below the following document

1. Plaintiffs Opposition to Defendants Motion For Order compelling Production of Documents and Award of Expenses of Defendants, Bernard Foster, et al.
2. Affidavit of James S. Dilday;

by mailing first class mail, postage prepaid to :

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Paul Capizzi, Esq.
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Date: